IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22994 of 2004

Between:

1 Smt. Kommagiri Sudharani W/o Rajasekhar
R/o Betupalli Village, Sathupalli Mandal, Khammam District
2 Kommagiri Prabhakar, S/o Lakshmaiah
R/o H. No. 1-66, Betupalli Village, Sathupalli Mandal, Khammam District

..... PETITIONER(S)

AND

The Mandal Revenue Officer, Sathupalli Khammam District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or direction preferably writ of mandamus declaring the action of the Respondent and his subordinates in trying to dispossess us from our property total admeasuring Ac:0:03 gts And Ac: O.021/2 gts consisting of house property bearing No. 1-66, situated at Betupalli Village, Sathupalli Mandal, Khammam District in Sy. No.131/1, without issuing any notice and without initiating any proceedings is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents and his subordinates not to dispossess us from our property in any manner except in due course of law and pass such other or further orders

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioners state that they are in possession of 3 guntas of land in Sy.No.131/1 of Betupalli Village, Sathupalli Mandal, Khammam District, since last several years. They also allege that they constructed houses and are living therein. Patta certificates, dated 22-10-2002 are also said to have been issued. It is alleged that in addition to 3 guntas of land, another extent of 2 ½ guntas is in their possession and enjoyment since several decades. They complain that the respondent is trying to evict them from 2 ½ guntas of land, on which a house bearing No.1-66, is said to be existing.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

Though the petitioners have filed the patta certificates, in relation to 3 guntas of land, said to have been assigned to them, no record is placed to disclose the nature of possession, over the 2 ½ guntas of land. Even assuming that it is Government land, and that the petitioners have encroached upon it, they can be evicted only after following the procedure prescribed under the A.P. Land Encroachment Act. Till such steps are taken, the respondent cannot evict the petitioners.

Hence, the writ petition is disposed of, directing that the respondent shall not evict the petitioners, except for having recourse to the procedure prescribed under the A.P. Land Encroachment Act, or any other law. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.13-12-2004

Note:

Office to furnish

copy in three days.

(B/O) KO

To

1. The Mandal Revenue Officer, Sathupalli Khammam District.
2. 2 CCs to G.P. for Revenue, High Court of A.P., High Court buildings, Hyderabad (OUT).
3. 2 C.D. copies.

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22994 of 2004

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Dated 13-12-2004